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    and DISABILITY RIGHTS ENFORCEMENT,
    EDUCATION SERVICES
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                      SUPERIOR COURT OF THE STATE OF CALIFORNIA
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                           IN AND FOR SAN FRANCISCO COUNTY
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    CRAIG YATES, an individual; and
                                                CASE NO. CGC-07-469605
    DISABILITY RIGHTS ENFORCEMENT.
    EDUCATION, SERVICES: HELPING
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                                                OPPOSITION TO NOTICE OF RELATED
    YOU HELP OTHERS, a California public
                                                CASES
    benefit corporation,
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                                                PROPOSED CASES:
           Plaintiffs,
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                                                CGC-06-452090;
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    v.
                                                CGC-06-459119;
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    LA ROCCA'S CORNER; LEO LAROCCA,
                                                CGC-07-467642;
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    TRUSTEE OF THE LEO LAROCCA
    REVOCABLE TRUST; PURGATORY
                                                CGC-07-469073;
    INC., a California corporation; and DOES 1-)
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    20, inclusive,
                                                CGC-08-473260;
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           Defendants.
                                                CGC-08-473176
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    CAVEAT:
                 Attorney Frank S. Moore, on behalf of defendant PURGATORY INC., a
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                 California corporation, appears to have filed a Notice of Related cases totaling six
                 hundred and thirty-six (636). It is impossible for plaintiffs' counsel to specifically
                 respond within the required five (5) day period and can only do so on active cases
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                 as plaintiffs' counsel does not have the resources to accomplish the task of
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                 responding to cases already dismissed. Plaintiffs' counsel, therefore, will make an
                 applicable general statement.
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           Plaintiffs, by and through their counsel of record, submit their opposition to the Notice of
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    Related Cases filed by defendant PURGATORY INC., a California corporation, seeking to relate
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    the six hundred and thirty-six (636) cases listed in Exhibit A to this action.
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OPPOSITION TO NOTICE OF RELATED CASES

In opposition, plaintiffs wish to make the Court aware of the following information:

- 1. That relating thirty-eight (38) plaintiffs and six hundred and thirty-six (636) cases is ludicrous.
- 2. That each of the six hundred and thirty-six (636) cases involve different defendants, with no one (1) defendant being named in more than one action (1) involving the same public accommodation. The only similarity between the defendant parties is their respective interests in the ownership and/or operation of various places of public accommodation throughout Northern and Southern California. The Court would not find that Jane Doe, the owner of the Burger King in Eureka, is substantially the same party as John Smith, the owner of the Riverbend Restaurant in Sacramento, or that either would have any relationship to the defendant City of Fort Bragg for purposes of case relation. Similarly, the Court should recognize that the defendants to the actions at issue here are separate and unique individuals and/or entities.
- 3. That the actions do not arise from the same or substantially identical happenings or events insomuch as the physical premises at issue in each of the six hundred and thirty-six (636) actions are wholly unique. While there are admittedly some similarities in the categories of architectural barriers present at the subject businesses, *i.e.* several of the businesses may not provide disabled parking, parking signage, directional signage, accessible entrances, accessible dining areas, accessible hotel rooms, usable sidewalks, accessible men's and women's restrooms, etc.; there are numerous discrete architectural issues which are specific to each business. For instance, one restaurant has a step at the entrance which can be remedied through installation of an accessible ramp; another has doors so narrow a wheelchair user cannot pass through; a third has no disabled parking. Because the premises are different, the discrete architectural barriers encountered by plaintiffs are different, and thus, it cannot be said that the actions arise from the same or substantially identical happenings or events.
- 4. That the capacities of the various defendants to remove architectural barriers at their respective places of public accommodation is very likely different, and change the legal and factual issues which will need to be decided by the Court and/or the jury in each individual case.

The barrier removal requirements of Title III of the Americans with Disabilities Act ("ADA"), the Unruh Civil Rights Act and the California Disabled Persons Act, are intended to be applied on a case-by-case basis, with Congress and the Legislature recognizing the differing abilities of business owners to provide disability access in existing facilities. What may be a readily achievable barrier removal for one defendant, may not be readily achievable for another—there is no cookie-cutter answer to what is or is not readily achievable. Therefore, the factually intensive inquiry which must be undertaken precludes the consolidated type of discovery and motion practice which is suggested by relating the cases.

- 5. That the unique construction history of each of the subject public accommodations—when they were built, whether they have undergone alteration or modification—subjects these public accommodations to differing disability access standards. As an example, an accommodation built prior to 1990 will be subject to the barrier removal requirements of the ADA whereas an accommodation built after 1990 will be subject to the new construction standard of the ADA. Similarly, an accommodation built or altered after July 1982 must comply with the accessibility standards of Title 24 of the California Code of Regulations ("Title 24") as they stood at the time of construction. Therefore, to the extent the six hundred and thirty-six (636) different public accommodations have their own construction histories, they are potentially liable for violation of different disability access standards each of which offer defendants different possible defenses.
- 6. That other types of factual issues, characterized in the Notice of Related Cases as being identical, are in fact, quite specific to each action.
- (A) Whether the claimed barriers actually barred plaintiffs from the subject businesses. This issue is obviously dependent upon the nature and severity of the architectural barriers specific to each public accommodation. As the barriers vary from place to place, the degree to which each of the thirty-eight (38) plaintiffs was denied access will also vary.
- (B) If there is technical non-compliance with the Americans with Disabilities Act Accessibility Guidelines ("ADAAG") and Title 24, did the Defendants give each of the thirty-eight (38) plaintiffs effective, meaningful access to their facility? Again, to the extent that

the nature and severity of the architectural barriers vary, the degree of access will vary from case to case.

- (C) What is the extent of each of the thirty-eight (38) plaintiffs' alleged bodily injuries? Was each plaintiff injured, or otherwise damaged? In almost all instances, the effort to overcome architectural barriers to access results in some level of bodily injury to a plaintiff. However, the type of injury and the extent to which it causes pain and suffering is particular to each case. In one case, plaintiff may strain his arms and shoulders while struggling to roll his wheelchair up an excessively steep ramp; while in another case, a plaintiff may slip and fall while attempting to transfer from his wheelchair to a toilet without assistance of grab bars. The injuries suffered by each of the thirty-eight (38) plaintiffs are far from identical in each case.
- (D) What defendants and most Courts don't realize is that what paraplegics and functional quadriplegics rely upon is their upper extremities, (functional quadriplegics to a significantly lesser degree). Day in and day out they attempt to overcome a variety of barriers, some architectural and some natural. What is a simple task such as opening a door can become a monumental task, if that door and the pressure needed to open it take tremendous individual pressure. This often leads to what we refer to as repetitive, continuous and cumulative trauma to the upper extremities. It may only last thirty (30) seconds to two (2) minutes, but nevertheless, no one is able to say this does not constitute an injury. That's why it is so important to plead and why the public needs to understand it! Defendants need only take depositions to confirm this.
- 7. That many, if not all, of the potential legal issues raised by these cases are issues which could be raised in virtually every disability access suit filed with this Court or any other Court. Just because the general causes of action pled by plaintiffs lend themselves to certain generic legal issues does not warrant relating the matters.

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If such were the case, the Court would have to relate every disability access action currently pending on its docket.

8. Further, Rule 3.300 (a), Related Cases, states:

A pending civil case is related to another pending civil case, or to a civil case that was dismissed with or without prejudice, or to a civil case that was disposed of by judgment, if the cases:

- (1) Involve the same parties and are based on the same or similar claims;
- Arise from the same manner or substantially identical transactions, incidents, or events requiring the determination of the same or substantially identical questions of law or fact;
- (3) Involve claims against, title to, possession of, or damages to the same property; or
- (4) Are likely for other reasons to require substantial duplication of judicial resources if heard by different judges.

Plaintiffs respond to each criteria as follows:

(1) Involve the same parties and are based on the same or similar claims

Other than the fact that many plaintiffs have filed multiple actions for access alleging violations of the ADA, Civil Code § 51, Civil Code § 54, and California Health & Safety Code §19955, *et seq.*, there is nothing else related to these cases.

Each case involves a different public accommodation. Each case involves different defendants in that it is rare that any other case has the same landlord and tenant. Each case involves different operational facts as to what took place. Each case has a different "readily achievable" standard or affirmative defense standard. Each case involves differing financial conditions for each defendant in asserting the readily achievable defense of financial inability.

(2) Arise from the same manner or substantially identical transactions, incidents, or events requiring the determination of the same or substantially identical questions of law or fact

None of these cases arise from the same or substantially identical transactions, incidents or events, to wit: how are cases that were filed in 1999, or nine years ago, conceivably related at all? How are the claims of over 38 plaintiffs related when, other than DREES, it appears that almost none were coplaintiffs in any action filed?

Each incident and event in each of the cases was different, *i.e.* no two parking lots are the same, no two entrances are the same, no placement of signage would be the same, no two men's restrooms were the same, no two women's restrooms were the same, no two buildings were the same, etc. The same can be said for the elements in the restrooms, *i.e.* the type and placement of paper towel dispensers, toilet tissue dispensers, soap dispensers, toilet seat heights-all are very different. The affirmative defenses of these landlord-defendants and tenant-defendants differ from one another in these cases.

- (3) Involve claims against, title to, possession of, or damages to the same property
 Not applicable.
- (4) Are likely for other reasons to require substantial duplication of judicial resources if heard by different judges

It's ludicrous to think there would be substantial duplication of judicial resources if heard by different judges considering the fact that the only common thread that runs between them are the causes of action that are alleged. It would be the same as saying that all air crash litigation should be related because they involve airports, airlines, manufacturers, and pilots that all led to a disaster.

Not one of the cases that Defendant is trying to relate have a substantial identical transaction requiring the determination of the same or substantially identical questions of law or fact because there are different operative facts, different landlords, different tenants and different barriers. The only thing that is similar is the fact that they are civil rights claims, as stated herein above.

For all of the forgoing reasons, plaintiffs believe that it would be improper and impractical to relate and/or reassign the subject cases.

Furthermore, there is absolutely no legal justification for defense counsel to file such an unmeritorious notice. As such, plaintiffs request that it be awarded attorneys fees and costs for the substantial time necessitated to respond and oppose this notice.

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These sanctions would be requested pursuant to Federal Rule of Civil Procedure 11 and California Code of Civil Procedure §128.5.

Finally, plaintiffs' counsel requests that Attorney Frank S. Moore be sanctioned by the courts under Federal Rule of Civil Procedure 11 and California Code of Civil Procedure §128.5 for filing such a frivolous notice with the Court that has required substantial resources not only for plaintiffs' counsel but also considerable resources for the number of courts and counsel who have received and must appropriately handle this notice.

Dated: September 2, 2008 THOMAS E. FRANKOVICH,

A PROFESSIONAL LAW CORPORATION

By: /S/
Thomas E. Frankovich
Attorneys for Plaintiffs CRAIG VATES

Attorneys for Plaintiffs CRAIG YATES and DISABILITY RIGHTS ENFORCEMENT, EDUCATION SERVICES

Exhibit A

	SAN FRANCISCO COUNTY SUPERIOR COURT		
	<u>Name</u>	Case No.	Filing Date
	CRAIG YATES et al vs. CIGAR AMOUR et al	CGC-06-452090	05/09/06
	CRAIG YATES et al vs. JUST DESSERTS et al	CGC-06-452131	05/10/06
	CRAIG YATES et al vs. THE ABBEY TAVERN et al	CGC-06-452509	05/23/06
	CRAIG YATES et al vs. DRAGON CITY RESTAURANT et		
	al	CGC-06-456662	10/02/06
	CRAIG YATES et al vs. PAKWAN RESTAURANT et al	CGC-06-459119	12/28/06
	CRAIG YATES et al vs. RICO'S RESTAURANT et al	CGC-07-467642	09/27/07
	CRAIG YATES et al vs. K & L RESTAURANT et al	CGC-07-469073	11/09/07
	CRAIG YATES et al vs. CANDYSTORE COLLECTIVES et		
	al	CGC-08-470951	01/10/08
9	CRAIG YATES et al vs. UNION SQUARE et al	CGC-08-473176	03/11/08
10	CRAIG YATES et al vs. DA FLORA RESTAURANT et al	CGC-08-473260	03/13/08
	CRAIG YATES et al vs. BENJARONG THAI CUISINE et al	CGC-08-473716	03/27/08
12	LES JANKEY et al vs. QUEEN ANNE HOTEL et al	CGC-05-443-089	07/13/05
13	LES JANKEY et al vs. HERITAGE MARINA HOTEL et al	CGC-05-443128	07/14/05
14	LES JANKEY et al vs. MARK TWAIN HOTEL et al	CGC-05-443154	07/15/05
	LES JANKEY et al vs. EL HERRADERO RESTAURANT et		
15	al	CGC-05-443179	07/18/05
	LES JANKEY et al vs. THE BLUE MUSE RESTAURANT		
16	et al	CGC-06-452092	05/09/06
17	NICOLE MOSS et al vs. RED JADE RESTAURANT et al	CGC-06-452098	05/10/06
	PATRICK CONNALLY et al vs. TWILIGHT ZONE et al	CGC-06-452101	05/10/06
	PATRICK CONNALLY et al vs. NORTH BEACH PIZZA et	000 00 102101	00/10/00
19		CGC-06-452129	05/10/06
	LES JANKEY et al vs. ASA SUSHI et al	CGC-06-452130	05/10/06
	CRAIG YATES et al vs. JUST DESSERTS et al	CGC-06-452131	05/10/06
22	NICOLE MOSS et al vs. ROYAL GROUND COFFEE et al	CGC-06-452133	05/10/06
	CRAIG YATES et al vs. THE ABBEY TAVERN et al	CGC-06-452509	05/23/06
24	LES JANKEY et al vs. LAUREL INN ASSOCIATES et al	CGC-06-452983	06/08/06
	PATRICK CONNALLY et al vs. O'REILLY'S IRISH PUB &		
25	REST. et al	CGC-06-454493	07/25/06
	LES JANKEY et al vs. TIA MARGARITA et al	CGC-06-455148	08/15/06
	PATRICK CONNALLY et al vs. SZECHUAN TASTE REST.		
27	et al	CGC-06-455150	08/15/06
	PATRICK CONNALLY et al vs. LUISA'S RESTORANTE et		
28	al	CGC-06-457253	10/23/06
29	CRAIG YATES et al vs. PAKWAN RESTAURANT et al	CGC-06-459119	12/28/06
30	LES JANKEY et al vs. THE HOTEL MAJESTIC et al	CGC-07-459698	01/18/07
31	LES JANKEY et al vs. GLASS PROPERTIES LP et al	CGC-07-462659	04/24/07
32	LES JANKEY et al vs. SONG KOO LEE et al	CGC-07-463040	05/03/07
33	NICOLE MOSS et al vs. MOLTE COSE et al	CGC-07-464669	06/27/07
34	CRAIG YATES et al vs. K & L RESTAURANT et al	CGC-07-469073	11/09/07

	SAN FRANCISCO COUNTY SUPERIOR COURT (CONTINUED)		
25	PATRICK CONNALLY et al vs. GRAFFEO COFFEE ROASTING Co. et al	CGC-07-469631	11/30/07
	PATRICK CONNALLY et al vs. XOX TRUFFLES et al	CGC-07-469631 CGC-07-470559	12/31/07
30	CRAIG YATES et al vs. CANDYSTORE COLLECTIVES et	CGC-07-470559	12/31/07
37		CGC-08-470951	01/10/08
	PATRICK CONNALLY et al vs. PETITE DELI et al	CGC-08-470951	01/10/08
30	PATRICK CONNALLY et al vs. SUSHI ON NORTH	CGC-06-470955	01/10/06
20	BEACH-KATSU et al	CCC 00 472700	02/20/00
39	DEACH-RATSO et al	CGC-08-472709	02/28/08
40	CRAIG YATES et al vs. DA FLORA RESTAURANT et al	CGC-08-473260	03/13/08
41	CRAIG YATES et al vs. BENJARONG THAI CUISINE et al	CGC-08-473716	03/27/08
42	LES JANKEY et al vs. PLOUGH AND THE STARS et al	CGC-08-474085	04/29/08
	LES JANKEY et al vs. HAWTHORNE/STONE REAL		
43	ESTATE INVESTMENTS et al	CGC-08-474557	04/23/08
	SAN MATEO COUNTY SUPERIOR COURT		
	SAN MATEO COUNTY SUPERIOR COURT		
	Name	Case No.	Filing Date
	MARSHALL LOSKOT et al vs. AIRPORT NORTH		
44	TRAVELODGE	CIV456401	07/24/06
	MARIN COUNTY SUPERIOR COURT		
	<u>Name</u>	Case No.	Filing Date
	CRAIG YATES et al vs. WOODSIDE OFFICE CENTER et		
45	al	CIV053454	07/28/05
46	CRAIG YATES et al vs. CAPRA'S RESTAURANT et al	CIV061583	04/07/06
47	CRAIG YATES et al vs. VIKING BAR CORP. et al	CIV062007	05/12/06
48	CRAIG YATES et al vs. VIKING BAR CORP. et al	CIV062223	05/22/06
49	CRAIG YATES et al vs. PETER PAN DOUGHNUTS	CIV064664	10/19/06
		01) (07 (000	0.4/0.4/0=
50	CRAIG YATES et al vs. MING YEN RESTAURANT et al	CIV071909	04/24/07
	CRAIG YATES et al vs. WOODSIDE OFFICE CENTER et		
51		CIV053454	07/28/05
	PATRICK CONNALLY et al vs. TACO JANE'S et al	CIV061134	03/17/06
	CRAIG YATES et al vs. CAPRA'S RESTAURANT et al	CIV061583	04/07/06
54	CRAIG YATES et al vs. VIKING BAR CORP. et al	CIV062007	05/12/06
	PATRICK CONNALLY et al vs. PEPPER'S RESTAURANT		
	et al	CIV062191	05/18/06
	PATRICK CONNALLY et al vs. CHAI W. CHAN et al	CIV062650	06/16/06
57	CRAIG YATES et al vs. PETER PAN DOUGHNUTS	CIV064664	10/19/06
58	CRAIG YATES et al vs. MING YEN RESTAURANT et al	CIV071909	04/24/07
59	PATRICK CONNALLY et al vs. SHAPIRO ASSOCIATES	CIV072045	05/01/07

	UNITED STATES FOR THE NORTHERN DISTRICT OF		
	CALIFORNIA		
	Name	Case No.	Filing Date
	YATES et al vs. ASSOCIATED MAIN STREET		
60	PARTNERS et al	3:2004cv04308-BZ	10/12/04
61	YATES et al vs. NICOLAI BUILDING et al	3:2004cv05087-JCS	12/01/04
62	YATES et al vs. HELLER'S FOR CHILDREN et al	3:2004cv05211-PJH	12/09/04
63	YATES et al vs. WOODSIDE OFFICE CENTER et al	3:2005cv03610-JL	09/07/05
64	YATES et al vs. NAPA VALLEY CASINO et al	3:2006cv07917-MMC	12/27/00
	YATES et al vs. PETCO ANIMAL SUPPLIES STORES et		
65	al	3:2007cv00460-WHA	01/23/07
66	YATES et al vs. CELIA'S RESTAURANTS et al	3:2007cv00946-CRB	02/14/07
67	YATES et al vs. NEW TIN'S MARKET et al	3:2007cv01403-MHP	03/09/0
68	YATES et al vs. BELLI DELI et al	3:2007cv01405-WHA	03/09/0
69	YATES et al vs. THE CHEESE STEAK SHOP et al	3:2007cv01566-PJH	03/19/0
70	YATES et al vs. FOSTER FREEZE BERKELEY et al	3:2007cv02100-JSW	04/13/0
71	YATES et al vs. D & A CAFÉ et al	3:2007cv02525-MMC	02/11/0
72	YATES et al vs. WINTER PROPERTIES et al	3:2007cv02657-JL	05/18/0
73	YATES et al vs. EL SOMBRERO et al	3:2007cv03033-EDL	06/12/0
74	YATES et al vs. BIMBO BAKERIES USA et al	3:2007cv03326-MMC	06/25/0
75	YATES et al vs. LOTUS CUISINE OF INDIA et al	4:2007cv03889-WDB	07/30/0
76	YATES et al vs. DISCOUNT ALLEY et al	3:2007cv04177-EDL	08/14/0
77	YATES et al vs. RED'S RECOVERY ROOM et al	3:2007cv04395-JCS	08/24/0
78	YATES et al vs. N-O-H-R PLAZA et al	3:2007cv05485-MMC	10/26/0
79	YATES et al vs. LEVIN COMMERCIAL FACILITY et al	3:2007cv06498-WHA	12/28/0
80	YATES et al vs. UNICORN PAN ASIAN CUISINE et al	3:2008cv00356-JSW	01/18/0
81	YATES et al vs. BURGER KING # 3157 et al	3:2008cv00737-JCS	01/31/0
82	YATES et al vs. KING OF THAI NOODLE # 2 et al	3:2008cv01877-WHA	04/08/0
83	YATES et al vs. SWEET DELIGHT et al	3:2008cv01958-JCS	04/14/0
84	YATES et al vs. TWICE IS NICE et al	3:2008cv02165-SI	04/25/0
85	YATES et al vs. ZEPHYR CAFÉ et al	3:2008cv02293-PJH	05/02/0
86	YATES et al vs. SUSHI BISTRO et al	4:2008cv02545-CW	05/20/0
87	YATES et al vs. SYERS PROPERTIES et al	3:2008cv02734-SI	05/30/0
88	YATES et al vs. BENJARONG THAI CUISINE et al	3:2008cv02932-JL	06/12/0
89	YATES et al vs. FRANKLIN ARDEN LLC	3:2008cv03004-EDL	06/18/0
90	YATES et al vs. HAPPY DRAGON et al	3:2008cv03183-BZ	07/02/0
91	YATES et al vs. TEQUILA GRILL et al	4:2008cv03914-CW	08/15/0
92	CONE et al vs. SEQUOIA GROVE	3:2000cv04298-WHA	11/17/0
93	CONE et al vs. SONOMA VALLEY VISIT	3:2000cv04352-TEH	11/20/0
94	RAY et al vs. COMFORT INN et al	3:2000cv04353-PJH	11/20/0
95	JANKEY et al vs. HOTEL DEL SOL et al	3:2001cv00489-SI	01/30/0
96	CONE et al vs. NAPA VALLEY MARRIOTT et al	4:2001cv00488-CW	01/30/0
97	PICKERN et al vs. CITY OF EUREKA et al	4:2001cv00320-WDB	01/19/0
98	PICKERN et al vs. WILLOW CREEK 76	3:2001cv00673-MMC	02/13/0
99	PICKERN et al vs. CHEVRON WILLOW CREEK et al	3:2001cv00675-MJJ	02/13/0
100	RAY et al vs. PACIFIC MOTOR INN et al	3:2001cv00680-PJH	02/13/0
101	DORAN et al vs. BALBOA CAFÉ et al	4:2001cv00828-CW	02/26/0
	DORAN et al vs. RENDEZVOUS CAFÉ et al	3:2001cv00829-SI	02/26/0
103	D'LIL et al vs. BIJOU ASSOCIATES et al	3:2001cv01667-JL	04/30/0
104	DORAN et al vs. WILSON & KRATZER MORTUARIES	3:2001cv01739-JCS	05/03/0

	UNITED STATES FOR THE NORTHERN DISTRICT OF		
	CALIFORNIA (CONTINUED) PICKERN et al vs. NAPA AUTO PARTS EUREKA STORE		
105		2,2004 av02444 II	05/24/04
	et al	3:2001cv02111-JL	05/31/01
	PICKERN et al vs. FRESH FREEZE SUPPLY	3:2001cv02112-SI	05/31/01
_	CONNALLY et al vs. BAHIA BUSINESS CENTER et al KONE et al vs. ZANDONELLA REPORTING SERVICE et	3:2001cv01741-CRB	05/03/01
		2,2004 av04000 MMC	05/00/01
108	SAMUEL et al vs. E Z 8 MOTELS et al	3:2001cv01808-MMC 5:2001cv20401-RS	05/09/01 05/10/01
	GERBER et al vs. LA SCALA INN et al	3:2001cv20401-R3	06/04/01
	PICKERN et al vs. BEST WESTERN INN AT THE	3.20010002100-PJH	06/04/01
	SQUARE et al	4,2004 av02202 CW	06/06/04
	LOSKOT et al vs. SEA CAPTAIN MOTEL et al	4:2001cv02202-CW	06/06/01
		3:2001cv02237-VRW	06/07/01
113	TAUBOLD et al vs. CITY OF FORT BRAGG CONNALLY et al vs. FAST EDDIE'S STYLE BAR-B-QUE	3:2001cv02777-CRB	07/20/01
444		2-2004	00/45/04
	et al	3:2001cv03145-PJH	08/15/01
	DORAN et al vs. REDWOOD INN et al MOELLER et al vs. BENIHANA RESTAURANT	3:2001cv03268-PJH	08/27/01
		0.000400040 100	00/04/04
_	BURLINGAME et al	3:2001cv03348-JCS	09/04/01
	DORAN et al vs. QUALITY INN EUREKA et al	4:2001cv03412-SBA	09/07/01
	LOSKOT et al vs. BROADWAY INN MANOR et al	3:2001cv03866-VRW	10/12/01
	DORAN et al vs. CAPRI MOTEL et al	3:2001cv04016-VRW	10/25/01
	DORAN et al vs. PREMIER INNS CONCORD et al	3:2001cv05227-JL	12/26/01
	DORAN et al vs. NANTUCKET RESTAURANT et al	3:2001cv05228-MMC	12/26/01
	DORAN et al vs. CHINA KING RESTAURNAT et al	3:2001cv05364-JL	12/27/01
	DORAN et al vs. MILL VALLEY TRAVELODGE et al	4:2002cv00229-WDB	01/14/02
	LOSKOT et al vs. ZACK'S FAMILY RESTAURANT AND		
	CATERING et al	4:2002cv01554-CW	04/01/02
	DORAN et al vs. VOGUE CLEANERS et al	3:2002cv01881-PJH	04/18/02
	DORAN et al vs. EMBASSY SUITES HOTEL et al	3:2002cv01961-EDL	04/22/02
127	DORAN et al vs. PACIFIC HEIGHTS INN et al	3:2002cv02666-CRB	06/04/02
	CONNALLY et al vs. WEST END SHOPPING CENTER et		
128		3:2002cv03341-CRB	07/11/02
	DORAN et al vs. FRANCISCO BAY INN et al	3:2002cv03260-PJH	07/09/02
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132	CONE et al vs. SONOMA CHEESE FACTORY et al	3:2002cv04536-EDL	09/18/02
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133	LOSKOT et al vs. POLK STREET ECONO LODGE et al	4:2002cv04537-CW	09/18/02
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139	WELLS et al vs. WILDHORSE CAFÉ et al	5:2002cv05503-JF	11/19/02
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190	MOLSKI et al vs. PUMP N GO et al	3:2004cv01854-BZ	05/11/04
191	MOLSKI et al vs. THE COVE et al	5:2004cv01880-RMW	05/12/04
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215		5:2004cv02438-JF	06/21/04
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222	LOSKOT et al vs. HOLIDAY INN WALNUT CREEK et al	3:2004cv02848-VRW	07/14/04
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228	CONNALLY et al vs. CENTO STELLE et al	3:2004cv03170-JSW	08/03/04
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252	LOSKOT et al vs. TAQUERIA BAHIA: 1200 4TH STREET	3:2004cv05210-TEH	12/09/04
253	YATES et al vs. HELLER'S FOR CHILDREN et al	3:2004cv05211-PJH	12/09/04
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255	LOSKOT et al vs. DAYS INN SAN RAFAEL et al	4:2004cv05457-WDB	12/27/04
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257	MOSS et al vs. ALL STAR DOUGHNUTS et al	4:2005cv01877-CW	05/06/05
258	YATES et al vs. WOODSIDE OFFICE CENTER et al	3:2005cv03610-JL	09/07/05
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266		3:2006cv07525-MHP	12/07/06
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268		3:2007cv00460-WHA	01/23/07
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200	CONNALLY et al vs. ROXIE FOOD & COMMERCIAL	0.2007 07000 TO GRB	02/11/01
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295	JANKEY et al vs. KING OF THAI NOODLE HOUSE et al	3:2008cv01876-CRB	04/08/08
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297	YATES et al vs. SWEET DELIGHT et al	3:2008cv01958-JCS	04/14/08
298	JANKEY et al vs. GEARY STREET BELLA PIZZA et al	3:2008cv02164-JL	04/25/08
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311	ELLIS et al vs. LOS ROBLES REGIONAL et al	2:2001cv08178-RJK	09/20/01
312	BAILEY HARMON et al vs. CAPTAIN JACK'S et al	8:2002cv00171-DOC	02/20/02
313	ELLIS et al vs. ARBY'S THOUSAND OAKS et al	2:2002cv04211-CAS	05/28/02
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315	ELLIS et al vs. HERITAGE PLAZA et al	2:2002cv08838-PA	11/18/02
316	JANKEY et al vs. BARONES et al	2:2002cv06751-GAF	08/28/02
317	ELLIS et al vs. MANNY'S ORIGINAL et al	2:2003cv00029-SVW	01/02/03
318	MOLSKI et al vs. SIERRA RESTAURANT et al	2:2003cv01400-RGK	02/27/03
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320	MOLSKI et al vs. MISSION BURRITO et al	2:2003cv01801-SVW	03/13/03
321	MOLSKI et al vs. ROSCOE CENTER et al	2:2003cv01841-R	03/14/03
322	ELLIS et al vs. LE RENDEZ-VOUS et al	2:2003cv02069-DSF	03/24/03
323	JANKEY et al vs. YANG CHOW RESTAURANT et al	2:2003cv02239-ER	03/31/03
324	MOLSKI et al vs. EDOKKO JAPANESE et al	2:2003cv02240-JSL	03/31/03
325	ELLIS et al vs. HAMSHIRE RETAIL et al	2:2003cv02316-MMM	04/02/03
326	JANKEY et al vs. SIZZLER'S HOLLYWOOD et al	2:2003cv02445-LGB	04/07/03
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329	JANKEY et al vs. DENNY'S SEPULVEDA et al	2:2003cv02793-SJO	04/21/03
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572 VALLEJO et al	2:2000cv02555-FCD	11/20/00
573 JANKEY et al v. TAHOE LIMITED CORP, et al	2:2000cv02556-MLS	11/20/00
574 RAY et al v. KML CORPORATION et al	2:2000cv02557-MLS	11/20/00
575 LOSKOT et al v. CRYSTAL MALL et al	2:2000cv02671-FCD	12/06/00
576 HAUGSTEN et al v. MERVYNS' STOCKTON, et al.	2:2001cv00206-DFL	01/31/01
577 DORAN et al v. BELL et al.	2:2001cv00287-GEB	02/13/01
578 DORAN et al v. CORINAS' RESTAURANT et al	2:2001cv00386-LKK	02/26/01
579 LOSKOT et al v. HAWES RANCH and FARM et al	2:2001cv00876-DFL	05/07/01
580 DLIL et al v. PAVILIONS SHOPPING et al	2:2001cv00893-LKK	05/09/01
581 ASHLEY et al v. FARMERS INS AGENCY et al	2:2001cv00894-FCD	05/09/01
582 PICKERN et al v. MARINOS PIZZA et al	2:2001cv01096-WBS	06/04/01
583 DORAN et al v. RED BLUFF CHRYSLER et al	2:2001cv01122-MCE	06/08/01
584 CONNALLY et al v. RIVER RANCH LODGE et al	2:2001cv01590-TFL	08/16/01
585 PICKERN et al v. ENLOE MEDICAL CTR	2:2001cv01710-MCE	09/07/01
586 D'LIL et al v. YREKA DAYS INN et al	2:2001cv01711-MLS	09/07/01
587 LOSKOT et al v. ANDERSON MEDICAL et al	2:2001cv01747-WBS	09/13/01
588 LOSKOT et al v. GERLINGER STEEL et al	2:2001cv01748-GEB	09/13/01

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GERBER et al v. FLORENTINE RESTAURANT et al	2:2001cv01954-WBS	10/22/01
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	2:2006cv01164-GFR	05/30/06
		07/05/07
	UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA (CONTINUED) GERBER et al v. FLORENTINE RESTAURANT et al DORAN et al v. OROVILLE HOSPITAL et al LOSKOT et al v. SACTO CAPITOL CENTER et al WEYGANDT et al v. LITHIA CIMR INC et al DORAN et al v. CAMERON PARK INN et al LOSKOT et al v. 3 BROTHER'S REST et al DORAN et al v. WAFFLE SHOP et al DORAN et al v. WAFFLE SHOP et al DORAN et al v. DAYS INN OROVILLE et al DORAN et al v. SUNSET INN OROVILLE et al DORAN et al v. WILD SPORTS ENT et al DORAN et al v. WILD SPORTS ENT et al DORAN et al v. ROCKLIN DAYS INN et al DORAN et al v. ROCKLIN DAYS INN et al DORAN et al v. ROCKLIN DAYS INN et al DORAN et al v. ROCKLIN DAYS INN et al DORAN et al v. CROWN MOTORS et al WEYGANDT et al v. LA CABANA MEXICAN et al JONES et al v. FAR EAST CAFÉ et al HARRIS et al v. KOFFEE KORNER et al LONG et al v. VIKING MOTOR LODGE et al FEEZOR et al v. EL MARIACHI REST et al DORAN et al v. EL MARIACHI REST et al DORAN et al v. EL MARIACHI REST et al DORAN et al v. DISCOVERY PARK DAYS et al FEEZOR et al v. EL MARIACHI REST et al DORAN et al v. DISCOVERY PARK DAYS et al FEEZOR et al v. PARK MARINA VILLAGE et al DORAN et al v. DISCOVERY PARK DAYS et al FEEZOR et al v. COMFORT INN VALLEJO et al JONES et al v. PARK MARINA VILLAGE et al DORAN et al v. DISCOVERY PARK DAYS et al FEEZOR et al v. CARL'S JR SANTA et al DORAN et al v. CARL'S JR SANTA et al DORAN et al v. CARL'S JR SANTA et al DORAN et al v. VALLEJO QUALITY INN et al WEYGANDT et al v. CARL'S JR SANTA et al DORAN et al v. VALLEJO QUALITY INN et al WEYGANDT et al v. HARBOR INN et al DORAN et al v. HARBOR INN et al DORAN et al v. BEST WESTERN GOLDEN et al DORAN et al v. HARBOR INN et al DORAN et al v. BAKER'S SQUARE RST et al DORAN et al v. HARBOR INN et al DORAN et al v. HARB	### CASTERN DISTRICT OF CALIFORNIA (CONTINUED) GERBER et al v. FLORENTINE RESTAURANT et al 2:2001cv01954-WBS DORAN et al v. OROVILLE HOSPITAL et al 2:2001cv01998-DFL LOSKOT et al v. SACTO CAPITOL CENTER et al 2:2002cv00092-MCE DORAN et al v. CAMERON PARK INN et al 2:2002cv00092-MCE DORAN et al v. CAMERON PARK INN et al 2:2002cv00267-GEB LOSKOT et al v. 3 BROTHER'S REST et al 2:2002cv00275-MCE DORAN et al v. WAFFLE SHOP et al 2:2002cv00275-MCE DORAN et al v. DAYS INN OROVILLE et al 2:2002cv01208-MCE DORAN et al v. DAYS INN OROVILLE et al 2:2002cv01208-MCE DORAN et al v. SUNSET INN OROVILLE et al 2:2002cv012409-MCE DORAN et al v. WILD SPORTS ENT et al 2:2002cv01241-DFL DORAN et al v. CROWN MOTORS et al 2:2002cv01242-DFL DORAN et al v. CROWN MOTORS et al 2:2002cv012473-MCE DORAN et al v. CROWN MOTORS et al 2:2002cv012473-MCE DORAN et al v. CROWN MOTORS et al 2:2002cv01248-MCE JONES et al v. FAR EAST CAFÉ et al 2:2002cv02048-MCE JONES et al v. VIKING MOTOR LODGE et al 2:2002cv02658-GEB LONG et al v. VIKING MOTOR LODGE et al 2:2002cv02583-GEB LONG et al v. EL MARIACHI REST et al 2:2002cv02523-WBS FEEZOR et al v. EL MARIACHI REST et al 2:2002cv02571-LKK DORAN et al v. DEST TAHOE WEST INN et al 2:2003cv00539-MCE FEEZOR et al v. COMPORT INN VALLEJO et al 2:2003cv00697-FCD DORAN et al v. DECOVERY PARK DAYS et al 2:2003cv00697-FCD DORAN et al v. DEST WESTERN GOLDEN et al 2:2003cv00759-LKK DORAN et al v. CARL'S JR SANTA et al 2:2003cv00759-LKK DORAN et al v. CARL'S JR SANTA et al 2:2003cv00759-LKK DORAN et al v. CARCOWS RESTAURANT et al 2:2003cv00759-LKK DORAN et al v. CARCOWS RESTAURANT et al 2:2003cv00759-LKK DORAN et al v. CARCOWS RESTAURANT et al 2:2003cv00759-LKK DORAN et al v. CARCOWS RESTAURANT et al 2:2003cv00759-LKK DORAN et al v. CARCOWS RESTAURANT et al 2:2003cv00759-LKK DORAN et al v. CARCOWS RESTAURANT et al 2:2003cv00759

	UNITED STATES DISTRICT COURT FOR THE		
	EASTERN DISTRICT OF CALIFORNIA (CONTINUED)		
	LOSKOT et al v. BEST WESTERN INN AND SUITES		
635	VALLEJO et al	2:2007cv01519-FCD	07/26/07
	CHAPMAN et al v. SUBWAY SALADS and SANDWICHES		
636	#14054 et al	2:2007cv01564-FCD	08/01/07

CERTIFICATE OR PROOF OF SERVICE 1 State of California) ss 3 County of Marin I, the undersigned, say: I am and was at all times herein mentioned, a citizen of the 4 United States, over the age of eighteen (18) years and not a party to the within action or 5 proceeding; that my business address is 4328 Redwood Hwy, Suite 300, San Rafael, CA 94903; that on the below date, following normal business practice, I served the foregoing document, described as: 6 7 OPPOSITION TO NOTICE OF RELATED CASES on the interested parties in this action, conveyed as follows: 8 9 by depositing true copies thereof, enclosed in a sealed envelope, with postage thereon fully prepaid: 10 in first class U.S. Mail I am readily familiar with this office's practice for collection and processing of 11 correspondence for mailing with the United States Postal Service or Federal Express. 12 In the ordinary course of business, correspondence, including said envelope, will be deposited with the United States Postal Service or Federal Express in San Rafael. 13 addressed to: 14 Frank S. Moore Leo M. LaRocca, Esq. Niven & Smith Law Offices of Frank S. Moore, APC 425 California Street, 15th Fl. 1374 Pacific Avenue San Francisco, CA 94109 San Francisco, CA 94104-2118 16 17 Janet M. Brayer Lisa K. Padilla Law Offices of Janet Brayer The Lembi Group 18 20 California Street, #201 2099 Market Street 19 San Francisco, CA 94111 San Francisco, CA 94114 20 Shivani Aggarwal Rawhi Salem 21 P.O. Box 1341 114 Forest Lane Millbrae, CA 94030 San Rafael, CA 94903 22 23 Paul R. Perdue Robert S. Aaron, Esq. Aaron & Wilson, LLP Attorney at Law 369 Pine Street, Suite 610 150 Post Street, Suite 400 24 San Francisco, CA 94104 San Francisco, CA 94108 25 26 Dena M. Roche Nancy S. Sullivan Walter, ESQ. Daniel J. O'Riely Law Offices of Thomas O'Hagan O'Riely, & Roche LLP 27 1999 Harrison Street, Suite 2070 101 California Street, Suite 2450 Oakland, CA 94612 28 San Francisco, CA 94111

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16	alden @ bashamparker.com	
17	employed in the office of a member of the bar of this court at whose direction the service w made, and that the foregoing is true and correct. Executed on September 2, 2008, at San Rafael, California.	
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20	Dengar D. Mayria	
21	Pepper B. Maupin (Original signed)	
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